

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 KEITH A. BARTON,
9 Petitioner,
10 v.
11 KAREN BRUNSON,
12 Respondent.

13 Case No. C08-5022RJB/JKA

14 ORDER DENYING COUNSEL

15 This 28 U.S.C. § 2254 petition has been assigned to the undersigned Magistrate Judge.
16 Petitioner has filed a motion for appointment of counsel. (Dkt. #8).

17 There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an
18 evidentiary hearing is required, because the action is civil, not criminal, in nature. See Terravona v.
Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); Brown v. Vasquez, 952 F.2d 1164, 1168 (9th Cir.
19 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.
20 An evidentiary hearing has not been granted in this case. Further, the claims in the petition are
21 adequately set forth and articulated. Petitioner's motion for appointment of counsel (Dkt. # 2) is
22 therefore **DENIED**.

23 The clerk is directed to send copies of this order to petitioner and counsel for respondent.

24 DATED this 13 day of February, 2008.

25 */S/ J. Kelley Arnold*
26 J. Kelley Arnold
27 United States Magistrate Judge

28 ORDER- 1